

## Chapter 32

### PARKS AND RECREATION\*

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#### ARTICLE I. IN GENERAL

##### Sec. 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Department or the department* means the parks and recreation department of the city.
  - (2) *Director or the director* means the director of the department of parks and recreation of the city.
  - (3) *Parks or the parks* means the various properties under the direction, control and supervision of the director pursuant to the authority granted in section 32-4 of this Code.
- (Code 1968, § 31-1; Ord. No. 81-1529, § 1, 8-11-81)

##### Sec. 32-2. Department—Created.

There is hereby created and established the department of parks and recreation of the city.  
(Code 1968, § 31-2; Ord. No. 81-1529, § 1, 8-11-81)

##### Sec. 32-3. Same—Director generally.

There is hereby created the office of director of the department of parks and recreation of the city. The director shall be the head of the department and shall be appointed by the mayor, subject to confirmation by the city council.  
(Code 1968, § 31-3; Ord. No. 81-1529, § 1, 8-11-81)

**Charter reference**—Appointment of heads of administrative departments, Art. VI, § 7a.

**Cross references**—Officers and employees generally, § 2-21 et seq.; director to have supervision and control of Lake Houston, § 23-1.

##### Sec. 32-4. General duties of director.

It shall be the duty of the director to direct, control and manage all parks, parkways, esplanades, playgrounds and recreation buildings and other improvements on park and playground property belonging to or under the control of the city and such other grounds as may be placed under his control, from time to time, by the mayor and city council, and to direct the improvement and maintenance of all such properties.

(Code 1968, § 31-4; Ord. No. 81-1529, § 1, 8-11-81)

\***Charter reference**—Authority of city to own, operate, etc., parks and recreational facilities, Art. II, §§ 4, 7a.

**Cross references**—Convention and entertainment facilities, Ch. 12; Lake Houston, Ch. 23; libraries, Ch. 24; pay toilets in public places, § 28-29; recreational areas in manufactured home parks, § 29-91; recreational buildings in manufactured home parks generally, § 29-117; street dances, § 40-27; speed limit in parks, § 45-93.

**Sec. 32-5. Authority of the director.**

(a) The director shall have authority to prescribe written rules and regulations for the administration of the department and for the orderly government and use of the parks, provided that such regulations do not conflict with valid laws or ordinances. A copy of such rules and regulations shall be maintained for public inspection in the offices of the director and the city secretary. Without limitation, the director is authorized to include provisions that govern the use of parks by the public and may prescribe such rules and regulations that promote the healthful and generalized use of the parks, including, but not limited to, setting forth rules that limit the possession or consumption of any alcoholic beverages while in the parks. Nothing in this subsection is intended to limit the ability of the director to prescribe rules and regulations relating to the sale or distribution of alcoholic beverages by city-authorized vendors, park permittees and concessionaires operating within the parks.

(b) The director shall be authorized to contract referees for athletic contests and instructors for recreation classes. Fees paid to referees or recreation instructors shall be approved by the city council. No such referee or recreation instructor shall be considered an employee of the city.

(Code 1968, § 31-5; Ord. No. 81-1529, § 1, 8-11-81; Ord. No. 86-248, § 1, 2-19-86; Ord. No. 92-1520, § 1, 11-18-92)

**Sec. 32-6. Trees, shrubs and plants in public property.**

The director shall be clothed with authority over all trees, shrubs and plants of any kind and character which are now or may hereafter be planted in or along the streets or other public places of the city, the director being vested with full power, authority and jurisdiction over all planting of every kind and character lying outside of the property lines of privately owned property. It is hereby made the duty of the director:

- (1) To direct, regulate and encourage the planting, culture and preservation of shade and ornamental trees and plants in the streets and public places of the city;

- (2) To direct, regulate and encourage the pruning, spraying, cultivation and maintenance of such trees and plants, and to direct the time and method of pruning and trimming the same;
- (3) To remove or cause to be removed any tree or plant, or other obstruction, which in his judgment, would interfere with the development of adjoining trees or plants or with the free use of the streets or sidewalks;
- (4) To advise property owners with respect to the kinds of trees to plant or shrubbery desired in the particular street, and the method of planting the same;
- (5) To take all such measures as may be deemed necessary or desirable to control all dangerous insects, pests and plant diseases which may affect trees or shrubbery on the streets or other public places in the city;
- (6) To devise plans for the planting of trees on and along the streets between the curbs and property lines within the city, where trees may be desirable;
- (7) To prescribe the character, kind, size, space and position of all trees so planted upon or along public streets or other public places;
- (8) To prevent the planting of trees, shrubs or other plants which are not in his judgment desirable; and
- (9) To plant or cause to be planted such trees in or along such streets or other public places as the director may deem proper.

(Code 1968, § 31-6; Ord. No. 81-1529, § 1, 8-11-81)

**Cross reference**—Authority of traffic engineer to remove plant growth constituting traffic hazards, § 45-17.

**Sec. 32-7. Revenues from park operations.**

- (1) All revenues derived by the city in any manner from park user fees as defined in section 32-69, of this Code and from concession agreements authorized under section 32-8(b) (collectively denoted "park revenues"), except revenues from Memorial, Brock, and Sharpstown Park golf facilities, shall be regularly remitted to the city controller with an accounting thereof. Unless other-

wise expressly provided by ordinance or state law, park revenues shall be deposited in the "Park's" special revenue fund to be used exclusively for repairs, replacement and renovation of parks' revenue producing facilities and equipment and for maintenance and operation of parks' revenue producing facilities and activities.

1. One hundred percent of the park revenues derived at the Memorial, Brock, and Sharpstown Park golf facilities shall be deposited in special revenue funds to be used exclusively for the maintenance, operation and improvements of the Memorial, Brock, and Sharpstown Park golf facilities, respectively.

(Code 1968, § 31-7; Ord. No. 81-1529, § 1, 8-11-81; Ord. No. 86-248, § 2, 2-19-86; Ord. No. 86-1771, § 4, 10-1-86; Ord. No. 95-1381, § 2, 12-20-95; Ord. No. 96-665, § 5, 6-26-96; Ord. No. 00-1011, § 2, 11-21-00)

#### **Sec. 32-8. Concessions in parks.**

(a) Except as otherwise specifically authorized in this chapter, no person shall have the right to offer anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived, within any park without first obtaining the written consent of the city as provided in this section.

(b) Consent, for the purpose of subsection (a) of this section, may be granted in writing by the director upon uniform standard fees, conditions and consent forms, adopted therefor pursuant to section 32-69 of this Code, if the right is nonexclusive and of six months' duration or less. Any other consent shall be effective only if granted by an express written contract therefor which has been executed by the mayor pursuant to an ordinance of the city specifically authorizing the execution thereof.

(Code 1968, § 31-8; Ord. No. 81-1529, § 1, 8-11-81; Ord. No. 86-248, § 4, 2-19-86)

**Cross reference**—Park food vendors, § 32-221 et seq.

#### **Sec. 32-9. Certain downtown facilities to be managed by the convention and entertainment facilities department.**

The city facilities known as Fish Plaza, Jones Plaza, Sesquicentennial Parks I and II, Sweeney

Clock Triangle and Root Memorial Square shall be managed by the convention and entertainment facilities department. The provisions of this chapter shall be applicable to the said facilities to the extent that they may constitute parks, but any duties and responsibilities placed upon the parks and recreation department and its director and employees hereunder shall, with respect to the said facilities, be instead performed by the convention and entertainment facilities department and its director and employees. Nothing in this section shall be construed to affect the status of the said facilities, and their mention in this section shall not be construed to dedicate the facilities as parks if they have not already been so dedicated.

(Ord. No. 98-17, § 1, 1-7-98; Ord. No. 01-93, § 1, 1-24-01)

#### **Sec. 32-10. Maintenance or adoption of natural areas.**

Any person desiring to maintain a "natural area," as provided in section 10-451(b)(10) of this Code, whether situated in a park or not, or desiring to adopt such an area that is located in a park, parkway, esplanade or playground belonging to or under the control of the city shall submit an application to the director, and obtain a permit for that purpose. As authorized in section 32-5 of this Code the director shall promulgate rules and regulations for natural areas, which shall include, but not be limited to, permit procedures, a list of unacceptable plants, and maintenance requirements.

(Ord. No. 03-537, § 2, 6-4-03)

#### **Sec. 32-11. Off-leash dog recreation areas.**

(a) The director is authorized to designate parks or portions of parks as off-leash dog recreation areas in which persons may allow unleashed dogs to be at large.

(b) Off-leash dog recreation areas shall be established by the director in consultation with the director of the health and human services department, and due consideration shall be given to operational and animal regulation and care issues, including but not limited to:

- (1) Security measures to assure that the unleashed dogs remain contained within the dog recreation area;

- (2) Control of noise and other potential nuisances that might affect nearby land uses;
- (3) Parasite control;
- (4) Feces control within the dog recreation area and feces runoff from the dog recreation area;
- (5) Provisions for the exclusion of dogs that do not participate in compliance with the applicable regulations or that demonstrate aggressive behavior towards other dogs or persons.

(c) The director may issue regulations as provided in section 32-5 of this Code for the operation of off-leash dog recreation areas, provided that any such regulations shall, before promulgation, be reviewed and countersigned by the director of the health and human services department with respect to animal regulation and care issues.

(d) Subject to the approval of city council as provided in section 32-69 of this Code, the director may establish fees for use of off-leash dog recreation areas. Use of off-leash dog recreation areas is subject to payment of any applicable fees, and it shall be unlawful for any person to utilize an off-leash dog recreation area without having paid all applicable fees.

(e) Subject to payment of any applicable fees and compliance with all applicable regulations issued hereunder:

- (1) Dogs within off-leash dog recreation areas shall not be subject to impoundment for being or running at large as otherwise provided in chapter 6 of this Code provided that such dogs, while in the designated off-leash recreational areas, must remain under the immediate personal supervision and command of their owner or handler; and
- (2) It is a defense to prosecution under any provision of chapter 6 of this Code relating to being or running at large of a dog that the actor dog was at the time of the alleged offense within an off-leash dog recreation area of a park.

(f) The director shall consult with the city attorney regarding legal liability issues that may be associated with off-leash dog recreation areas and may require persons utilizing the areas to execute acknowledgments of the risks associated with their use and agreements to hold harmless and indemnify the city and its employees and officials for risks to dogs and persons using an off-leash dog recreation area.

(Ord. No. 03-1274, § 1, 12-17-03)

**Secs. 32-12—32-25. Reserved.**

## ARTICLE II. USE OF PARKS\*

### Sec. 32-26. Playing of musical instruments.

It shall be unlawful for any person to play any musical instrument within the parks other than for his own enjoyment, provided that such person shall not thereby encroach upon the use and enjoyment of the parks by others.

(Code 1968, § 31-10; Ord. No. 81-1529, § 1, 8-11-81)

**Cross reference**—Noise generally, Ch. 30.

### Sec. 32-27. Glass bottles and containers prohibited.

It shall be unlawful for any person to bring into or upon the parks, or have in his possession while therein or thereupon any glass receptacle, including but not limited to, glass bottles, glass jars, drinking glasses and glass containers of any kind. This provision shall not apply to baby bottles, baby food jars, glass lined vacuum bottles and glass lined picnic beverage coolers.

(Ord. No. 31-11; Ord. No. 81-1529, § 1, 8-11-81)

### Sec. 32-28. Camping.

It shall be unlawful for any person to establish a campsite upon or use any area of the parks as a campsite. This section shall not apply to persons camping in areas designated for overnight camp-

**\*Cross reference**—Speed limit in parks, § 45-93.

ing pursuant to rules and regulations promulgated in accordance with section 32-5 of this Code.

(Code 1968, § 31-12; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-29. Driving vehicles.**

It shall be unlawful for any person to drive or propel any vehicle over or through the parks, except along or upon park drives, parkways or park boulevards, or to drive or propel along or over any park drive, parkway or park boulevard, any heavily laden vehicle or vehicle carrying merchandise, goods, material or rubbish, or any moving van or truck. This section shall not apply to golf carts operated upon golf course cart paths. (Code 1968, § 31-13; Ord. No. 81-1529, § 1, 8-11-81)

**Cross reference**—Speed limits in certain public parks, § 45-93.

#### **Sec. 32-30. Riding or driving animals.**

It shall be unlawful for any person to ride or to drive any horse or other animal over or through the parks, except along and upon the designated bridle paths and driveways.

(Code 1968, § 31-14; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-31. Molesting, injuring, etc., animals, fowl or fish.**

No person shall tease, annoy, molest, catch, or throw any stone, object or missile of any kind at, or strike with any stick, object or weapon, any animal in the parks.

(Code 1968, § 31-15; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-32. Erecting structures, bill posting, etc.**

It shall be unlawful for any person to place, erect, or attach any structure, sign, bulletin board, post, pole or advertising device of any kind whatever in the parks, or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub,

fence, railing, post or structure in the parks unless authorized by rule or regulation promulgated pursuant to section 32-5 of this Code.

(Code 1968, § 31-16; Ord. No. 81-1529, § 1, 8-11-81)

**Cross reference**—Handbill distribution, § 28-124.

#### **Sec. 32-33. Walking, standing or sitting on borders, flower beds, etc.**

No person shall walk, stand or sit on any border, flower bed, monument, vase, fountain, railing or fence in the parks.

(Code 1968, § 31-17; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-34. Hunting and firearms.**

No person shall hunt any animal or shoot, fire or discharge any pistol, shotgun or rifle, other firearm or archery arrow in, on, along or across the parks. The provisions of this section shall not apply to designated target ranges.

(Code 1968, § 31-18; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-35. Fishing.**

No person shall catch fish within the parks. It shall be an affirmative defense to prosecution under this section that the actor is:

- (1) Fishing in an area of Lake Houston in which fishing is permitted under this Code; or
- (2) Twelve years of age or less or 65 years of age or more and is fishing in any body of water which has been designated for fishing by children and elderly persons by regulation of the director pursuant to section 32-5 of this Code.

(Code 1968, § 31-19; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-36. Playing baseball, football, etc.**

No person shall play at any game of baseball, football, golf, cricket, lacrosse, polo, hockey or

other game of like character in the parks, except at the places set apart and designated as grounds therefor.

(Code 1968, § 31-20; Ord. No. 81-1529, § 1, 8-11-81)

**Sec. 32-37. Canoeing or boating on lakes.**

(a) It shall be unlawful for any person to place any canoe, raft or boat or vessel of any type or description upon the waters of any lake or pond upon the parks except Lake Houston. This section shall not apply to any recreational project sponsored by the department and supervised by its employees or representatives, to model or toy boats that are not designed or intended for human transportation, or, in accordance with subsection (b), to canoeing in Cullinan Park that is conducted in compliance with the director's rules and regulations.

(b) The director may by rules and regulations adopted under section 32-5 of this Code authorize canoeing for individual and family pleasure in Cullinan Park. Without limitation, the rules and regulations shall be intended to preserve the park as a place of beauty and peacefulness and shall not authorize motorized canoes, canoe rentals or concessions or competitive canoeing activities.  
(Code 1968, § 31-21; Ord. No. 81-1529, § 1, 8-11-81; Ord. No. 96-599, § 1, 6-19-96)

**Sec. 32-38. Compliance with law is condition of use of parks and playgrounds.**

(a) Compliance with applicable provisions of this Code and of state and federal law is a condition of

the use of the parks. Subject thereto, any person may use the parks for any lawful purpose.

(b) The director, all other employees of the department, and members of the City of Houston Police Department and City of Houston Park Police are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of departmental rules and regulations to depart from any city property or building under the control of the department. Any such person who upon such notice fails to depart from any such property or building shall be subject to prosecution under section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed thereupon. (Code 1968, § 31-22; Ord. No. 81-1529, § 1, 8-11-81; Ord. No. 89-386, § 1, 3-15-89)

#### **Sec. 32-39. Exemptions.**

The provisions of this article, shall not be construed to apply to workmen of the city and its agents and contractors in the lawful discharge of their respective duties.

(Code 1968, § 31-23; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-40. Violations declared nuisance.**

In addition to being unlawful, any neglect or refusal to comply with any of the provisions of this article shall be deemed a nuisance, and may be abated in the manner provided by law and by the ordinances of the city for abatement of nuisances. (Code 1968, § 31-24; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-41. Hours closed to public.**

(a) No park or park facility shall be open to members of the public between the hours of 11:00 p.m. and 6:00 a.m. unless other public use or visitation hours have been posted for such park or park facility pursuant to rules and regulations promulgated in accordance with section 32-5 of this Code or permitted in writing by the director in accordance with article III of this chapter.

(b) For purposes of this section, the following definitions shall apply:

- (1) *Members of the public* shall include all persons other than those engaged in park maintenance and construction under authority of the city, and public officers or employees while engaged in the performance of their duties of employment or office.
- (2) *Park or park facility* shall include any portion of the park system, excluding overnight camping areas designated pursuant to section 32-5 and 32-28 of this Code and Hermann Square.

(c) This section shall not be construed to create any independent criminal prohibition; however, any person found within any park or park facility outside the hours designated or permitted for its use who fails to leave immediately after being requested to do so or who is otherwise on notice that the park or park facility is not open to the public shall be subject to prosecution under Section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that may have been committed thereupon.

(d) Nothing in this section shall be construed to prohibit the use of sidewalks, roadways, parkways, streets, or esplanades for vehicular or pedestrian traffic unless they have been designated and posted by the director in compliance with section 45-121 of this Code. The director is authorized to post interior sidewalks, roadways, parkways, streets and esplanades dedicated for park use and which serve park areas only.

(e) Nothing in this section shall be construed to require that members of the public found inside such fenced or enclosed areas during the hours they are closed to the public must be requested to leave before being subject to prosecution under Section 30.05 of the Texas Penal Code. (Ord. No. 89-386, § 2, 3-15-89)

**Secs. 32-42—32-60. Reserved.**

**ARTICLE III. PUBLIC GATHERINGS\*****Sec. 32-61. Public gatherings permit areas.**

(a) No permit shall be required to use the parks or to hold any public meeting or gathering except in the following designated areas of the parks:

- (1) Any building or facility for which a rental fee is imposed by the city pursuant to section 32-69 of this Code;
- (2) Any baseball field, basketball court, tennis court, swimming pool, golf course, or other area specifically designated and equipped for sporting or recreational events, whether a rental fee is imposed pursuant to section 32-69 of this Code therefor or not;
- (3) The Houston Zoo;
- (4) The Houston Arboretum;
- (5) Any other improved and specially maintained area so designated by a rule or regulation promulgated pursuant to section 32-5 of this Code.

(b) The director shall maintain in each of the parks a map of the areas designated in or pursuant to subsection (a) of this section as applicable to that park. A complete list of the parks with designated areas shown thereon shall be maintained in the offices of the director and the city secretary.

(c) Use of the areas designated in or pursuant to subsection (a) of this section shall be on a first-come first-served basis. The director shall cause all completed written applications received pursuant to section 32-63 of this Code to be immediately time stamped upon their actual receipt by his office. The first in time shall be the first in right, provided that if two (2) or more conflicting applications are received simultaneously, then the precedence shall be determined by an impartial means of chance.

(Code 1968, § 31-41; Ord. No. 81-1529, § 1, 8-11-81)

\*Cross references—Carrying of clubs in demonstrations, picket lines, etc., § 28-33; street dances, § 40-27; parades, § 45-231 et seq.

**Sec. 32-62. Permit required.**

It shall be unlawful for any person to hold any public meeting or gathering in any of the areas designed in or pursuant to section 32-61 of this Code, without first having secured written permission therefor from the director.

(Code 1968, § 31-42; Ord. No. 81-1529, § 1, 8-11-81)

**Sec. 32-63. Application for permit.**

Any person desiring the permission required in section 32-62 of this Code shall make written application to the director setting forth the following information:

- (1) The date of application;
  - (2) The designated area desired;
  - (3) The date and time period for use of the designated area;
  - (4) The name, address and phone number of applicant;
  - (5) The name of person reserving facility;
  - (6) The estimated attendance;
  - (7) The type or purpose of function;
  - (8) The type of sound system, if any;
  - (9) The special effects or features, if any; for example, hot air balloons, gun salutes (blanks only), fireworks, bands;
  - (10) Whether the function sponsored is for profit or nonprofit;
  - (11) Whether the person will clean up and remove any litter or debris generated by its use; and
  - (12) Whether goods will be sold or fees charged.
- (Code 1968, § 31-43; Ord. No. 81-1529, § 1, 8-11-81)

**Sec. 32-64. Reasons for permit denial.**

Upon receiving such written application the director must grant permission to use the designated area unless:

- (1) The designated area has been previously reserved;



- (2) The applicant refuses to pay any applicable fees imposed by the city pursuant to section 32-69 of this Code;
- (3) The applicant refuses to obtain a concession consent pursuant to section 32-8 of this Code, if applicable;
- (4) The size and nature of the meeting is inappropriate for the designated area requested or will substantially interrupt the safe and orderly movement of traffic, or police, fire or ambulance emergency equipment on streets adjacent to, running through or around the park; or
- (5) The proposed function would be disruptive to or incompatible with, or cause an adverse effect on the use of the designated area by others.

(Code 1968, § 31-44; Ord. No. 81-1529, § 1, 8-11-81; Ord. No. 86-248, § 5, 2-19-86)

#### **Sec. 32-65. Procedure of director upon permit denial.**

If the director denies the permit, then the director must notify the applicant of the denial and the reasons therefor by letter mailed to the applicant within three (3) days of the date of the receipt of the application (exclusive of Saturdays, Sundays and city-observed holidays). Such letter shall be addressed to the applicant at the address stated on the application. If the director fails to mail such a letter within such three-day period, such failure shall be deemed a granting of permission to use the designated area as requested. If the denial is based upon paragraphs (4) or (5) of section 32-64 of this Code, the director shall advise the applicant of alternative designated areas, if any, capable of handling a meeting of the requested size and nature.

(Code 1968, § 31-45; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-66. Meetings where security precautions necessary.**

If the director determines that the conduct of the meeting may reasonably cause severe injury to persons or property, or create a riot or disturbance detrimental to the health, safety and welfare of the public, he may require that additional

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security precautions be taken to permit the use of the designated area. In such event, the director may grant the permission upon condition that the applicant must submit a written proposal for security and obtain the director's approval thereof prior to the public gathering. Such proposal shall be subject to review, approval and appeal in the same manner as a permit application under this article provided that the director shall have two (2) days in lieu of three (3) days in which to approve or deny the proposal.

(Code 1968, § 31-46; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-67. Procedure of city council upon permit denial.**

In the event the director shall deny any applicant permission to use a designated area, the di-

rector will immediately advise the city secretary of such denial. The city secretary shall place the director's denial of permission to use a designated area on the next city council meeting agenda. The applicant may appear at such next city council meeting to appeal the director's denial or the applicant may withdraw the appeal. The city council shall within seven days of the director's denial render a decision upon the appeal and such action as the city council may take thereon shall be final and conclusive. If the city council fails to render a decision within seven days of the director's refusal, the permit to use the designated area will be deemed granted.

(Code 1968, § 31-47; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-68. Transfers, refunds.**

The director, subject to the approval of the mayor and city council, may establish rules and regulations pursuant to section 32-5 of this Code relating to refunds. No refund shall be made except as authorized pursuant thereto. Permits may not be assigned under any circumstances.

(Code 1968, § 31-48; Ord. No. 81-1529, § 1, 8-11-81)

#### **Sec. 32-69. Park user fees.**

(a) Fees and charges for park concessions, rentals, vending licenses and permits, admissions, golf and tennis, as well as athletics and recreation classes sponsored by department (collectively denoted "park user fees") shall be established by the city council. A copy of the schedule of park user fees shall be maintained for public inspection both in the office of the city secretary and the office of the director.

(b) It shall be the responsibility of the director to submit to the city council, as appropriate, revisions to the schedule of park user fees. The city council may act upon any such submittal by motion.

(c) In the event a participation or admission fee is charged by any person for any activity using park grounds or facilities, then the user fee applicable thereto shall be ten percent of the gross revenue derived from participation and admission fees, plus the park user fee established by the

city council, if any. The director shall require the use of consecutively numbered admission tickets, recording cash registers or other reasonable methods to ensure accurate accounting of receipts and revenues derived from such activities.

(d) Park facilities may, if available, be used as election day polling places by political subdivisions of the state. In lieu of the applicable fee established by the city council, the user shall reimburse the city for the cost of providing department staff for duty during the time that the park facility is used. Cost will be calculated based on the actual staff salary cost excluding employee fringe benefits.

(e) The director, by regulation, shall establish uniform procedures relating to reservations, deposits and the manner for paying park user fees.

(f) The director may waive park user fees for any city-sponsored or cosponsored function or event. For purposes of this subsection, the director is authorized to declare city sponsorship.

(Code 1968, § 31-49; Ord. No. 81-1529, § 1, 8-11-81; Ord. No. 86-248, § 3, 2-19-86; Ord. No. 86-1771, § 5, 10-1-86; Ord. No. 95-1381, § 3, 12-20-95)

#### **Sec. 32-70. Voluntary contributions.**

Voluntary contributions may be taken up in connection with any use of the facilities mentioned in section 32-69 of this Code or other functions conducted within the parks, whether conducted or sponsored by the city or not, without accounting or payment therefor to the city, provided such contributions are wholly voluntary and are not imposed, solicited or requested as a condition of admission to or participation in the function conducted, or for the provision of any goods or services.

(Code 1968, § 31-50; Ord. No. 81-1529, § 1, 8-11-81)

#### **Secs. 32-71—32-85. Reserved.**

## ARTICLE IV. MUNICIPAL GOLF COURSES\*

### Sec. 32-86. Supervision.

The city's municipal golf courses shall be under the direction and supervision of the director, who shall have and exercise jurisdiction and control over the grounds and properties of such golf courses.

(Code 1968, § 31-64; Ord. No. 78-1022, § 1, 5-23-78; Ord. No. 78-1293, § 1, 6-28-78)

### Sec. 32-87. Maintenance.

The director shall be charged with the duty of maintaining and keeping in good repair all of the grounds of the city's golf courses.

(Code 1968, § 31-65; Ord. No. 78-1022, § 1, 5-23-78; Ord. No. 78-1293, § 1, 6-28-78)

### Secs. 32-88—32-90. Reserved.

**Editor's note**—Ord. No. 94-19, § 9, adopted Jan. 5, 1994, repealed former §§ 32-88—32-90, which sections pertained to golf professionals. See the editor's note to art. IV.

### Sec. 32-91. Reserved.

**Editor's note**—Former § 32-91, which pertained to greens' fees and rainchecks, was repealed by § 3 of Ord. No. 86-1771, enacted Oct. 1, 1986. The repealed provisions derived from § 31-70 of the 1968 Code and the following ordinances:

Ord. No.	Date	§	Ord. No.	Date	§
69-535	4- 1-69	1, 2	78-1293	6-28-78	1
72-2223	12- 5-72	1	82-1139	7-21-82	1
74-1500	8-27-74	1	83-1368	8-30-83	1
78-1022	5-23-78	1	86-248	2-19-86	6

### Secs. 32-92—32-94. Reserved.

**Editor's note**—Ord. No. 94-19, § 9, adopted Jan. 5, 1994, repealed former §§ 32-92—32-94, which pertained reservation of starting times, purchase of ticket constitutes contract and expulsion from course for violations of rules and regulations. See the editor's note to art. IV.

**\*Editor's note**—Ordinance 94-19, adopted on January 5, 1994, provided for the amendment of Sections 32-88 and 32-89. It also provided for the immediate repeal of Sections 32-92, 32-93 and 32-94 and for the repeal on December 31, 1994, of Sections 32-88, 32-89 and 32-90. In accordance with Section 9 of Ordinance 94-19, Sections 32-88 through 32-90 and 32-92 through 32-94 are no longer published herein. For further information, contact the City Secretary's Office.

### Secs. 32-95—32-115. Reserved.

## ARTICLE V. HOUSTON GARDEN CENTER†

### DIVISION 1. GENERALLY

#### Sec. 32-116. Definitions.

As used in this article, the term "board" or "advisory board" shall mean the Houston Garden Center Advisory Board created by this article.  
(Code 1968, § 31-85)

#### Sec. 32-117. Created and described; permitted use of building, etc.

(a) There is hereby created or recreated and again established an institution known and to be known as the Houston Garden Center, which is the five-acre tract of land (together with all improvements thereupon) located in the city's Hermann Park and being the same tract of land upon which there was built, about 1942, the building which has since been known and is now known as the Garden Center Building and being at No. 1500 Hermann Drive, and which building is subject to all of the terms of this article.

(b) Such building is by virtue of its design and surroundings primarily suitable for use of all garden clubs and of all garden club groups in the city having for their purpose the fostering and promotion of programs for the development of garden club movements and community beautification, including educational programs related thereto, and for use by such groups as a place of meeting and assembly, provided, that such building may be rented for any lawful use pursuant to article III of this chapter. Such building has at all times been, is, and shall be a public building of the city and a facility and building of Hermann Park.

(Code 1968, § 31-86)

#### Sec. 32-118. Management and control.

The garden center building, with its grounds appurtenant thereto, shall be under the direct re-

†Cross reference—Smoking in public, § 28-27 et seq.

sponsibility, management and control of the director to the same extent and effect as other public buildings located in the city parks.  
(Code 1968, § 31-87)

**Secs. 32-119—32-125. Reserved.**

**DIVISION 2. ADVISORY BOARD\***

**Sec. 32-126. Created; composition; appointment of members.**

There is hereby created a thirteen-member advisory board to be known as the Houston Garden Center Advisory Board. The members in positions one through twelve shall be appointed by the mayor and confirmed by the city council. The director of parks and recreation shall serve, ex officio, as the position thirteen member and shall be a voting member.  
(Code 1968, § 31-97; Ord. No. 94-688, § 1, 7-13-94)

**Sec. 32-127. Qualifications and terms of members; filling of vacancies.**

The appointed members of the board shall be persons who are active and interested in garden club work. The members in positions one through nine shall be residents of the city. The members in positions ten, eleven, twelve, and thirteen may, but need not, be residents of the city. Appointed members shall serve for terms of three years each, with terms expiring on the last day of June, except in the event of death, resignation, removal or vacancy, and shall serve until their respective successors are duly appointed and confirmed. In the event of death, resignation, or removal from office of any member, a successor shall be appointed and qualified to serve the remaining unexpired portion of the term of office of the vacant position.  
(Code 1968, § 31-98; Ord. No. 94-688, § 1, 7-13-94)

**Sec. 32-128. Compensation of members.**

The appointed members of the board shall receive no compensation for their services and the director, as a member of the board, shall receive

\*Cross reference—Boards, commissions and authorities generally, § 2-316 et seq.

no additional compensation for his services as such. This shall not prohibit the reimbursing of any member for actual and reasonable traveling and living expenses incurred in any trip or in any other matter undertaken by authority of the mayor and city council.  
(Code 1968, § 31-99)

**Sec. 32-129. Removal of members.**

Upon it being made to appear to the mayor by certification by the president of the board or by the director, or otherwise, that any member in positions one through ten of the board has ceased to be a resident of the city or that any appointed board member has, without good and sufficient reason therefor, failed to attend four consecutive regular meetings of the board or has become otherwise incapable or unfit to serve as a member of the board, the mayor shall find and declare such fact. The mayor's declaration shall be final and conclusive, subject only to review by the city council, upon petition filed with the city secretary by the affected member within ten days from the date that the mayor issues the declaration.  
(Code 1968, § 31-100; Ord. No. 94-688, § 2, 7-13-94)

**Sec. 32-130. Officers.**

The board shall elect a president, a vice-president and a secretary from among its appointed members to serve for such terms and under such conditions as the board shall fix.  
(Code 1968, § 31-101)

**Sec. 32-131. General powers and duties.**

(a) The board shall advise the director and may from time to time make recommendations to the mayor or to the city council in any and all matters related to the operation and use of the Houston Garden Center and the general supervision, care, maintenance and upkeep of the building and grounds and of the equipment, furnishings, and other physical properties at the garden center.

(b) The board may so advise as to the adoption of rules and regulations pursuant to section 32-5 of this Code relating to the Houston Garden Center.

(c) The duties and powers of the board shall be advisory only. The board shall have no power to make any contract, lease, or other agreement for the use of the Houston Garden Center or to employ any person to be an employee of or to be paid by the city or to incur any debt or liability whatsoever on behalf of the city.  
(Code 1968, § 31-102)

#### **Sec. 32-132. Adoption of rules.**

The board shall adopt such rules covering meetings of the board and other matters related to its organization and functions as it deems proper.  
(Code 1968, § 31-103)

#### **Sec. 32-133. Annual report.**

The board shall make an annual report to the mayor and city council on or before March first of each calendar year covering its activities and the use of the garden center building during the preceding calendar year, in such detail and in such form as the board may deem proper. There may be included in such report such recommendations related to the garden center and its use as may be deemed appropriate.  
(Code 1968, § 31-104)

#### **Secs. 32-134—32-145. Reserved.**

### **ARTICLE VI. THE HOUSTON ZOO**

#### **Sec. 32-146. Established.**

There is hereby established a permanent and official name for the fenced off area located in Hermann Park, which fence surrounds the area used as a public zoo; which is bounded on the north by Herman Park Lane and Zoo Circle Drive extending between Outerbelt Drive and Golf Course Drive, bounded on the east by Golf Course Drive extending between the intersection with Outerbelt Drive and Zoo Circle Drive, and bounded on the west by Outerbelt Drive extending between the intersection of Zoo Circle Drive and Golf Course Drive, the names and locations of the above mentioned streets having been established by Ordinance No. 65-1877, passed September 29, 1965; and such described zoo area being con-

tained within the following surveys: Joseph Gamble Survey, Abstract 309; G.P. Foster Survey, Abstract 273; D.W.C. Harris Survey, Abstract 325, and Pleasant W. Rose Survey, Abstract 645. This aforescribed zoo area shall be hereinafter known as The Houston Zoo.  
(Code 1968, § 31-130; Ord. No. 69-892, § 1, 5-20-69)

#### **Sec. 32-147. Official address.**

The official zoo address for all purposes shall be 1 Zoo Circle Drive.  
(Code 1968, § 31-131; Ord. No. 69-892, § 1, 5-20-69)

#### **Sec. 32-148. Operation of zoo.**

The Houston Zoo shall be under the direction and management of a non-profit corporation as provided by contract from time to time.  
(Ord. No. 02-575, § 3, 6-26-02)

#### **Sec. 32-149. Reserved.**

**Editor's note**—Ord. No. 02-575, § 4, adopted June 26, 2002, repealed § 32-149 in its entirety. Formerly said section pertained to duties and responsibilities of zoo manager and derived from Code 1968, § 31-133 as amended by Ord. No. 69-892, § 1, 5-20-69.

#### **Sec. 32-150. Hours of operation.**

The organization contracted to manage the Houston Zoo shall have the right to establish the days, times and conditions for the operation of the Houston Zoo.  
(Ord. No. 02-575, § 5, 6-26-02)

#### **Sec. 32-151. Entry onto zoo grounds at unauthorized time.**

It shall be unlawful for any person to enter onto or upon the zoo grounds, for any purpose, at any time other than during those times during which

the zoo is open to the public as designated in section 32-150 of this Code. This section shall not apply to properly authorized zoo personnel. (Code 1968, § 31-135; Ord. No. 69-892, § 1, 5-20-69)

**Sec. 32-152. Bringing animals onto zoo grounds.**

It shall be unlawful for any person to bring any animal onto or upon the zoo grounds without permission from the zoo manager. (Code 1968, § 31-136; Ord. No. 69-892, § 1, 5-20-69)

**Sec. 32-153. Throwing, etc., items into animal confinement or keeping areas.**

It shall be unlawful for any person to throw, roll, shove, push or in any other way cause the entrance into an area of animal confinement or keeping, of any stone, ball, or other physical object; provided however, that this provision shall be inapplicable to the foodstuffs specifically authorized in section 32-155 of this Code. This section shall not apply to authorized zoo personnel.

(Code 1968, § 31-138; Ord. No. 69-892, § 1, 5-20-69)

**Sec. 32-154. Entering animal confinement areas.**

It shall be unlawful for any person to enter any area wherein an animal or animals are being confined or restrained; provided however, this section shall not apply to the authorized contact areas within the children's zoo at such times when the said children's zoo is open to the public. (Code 1968, § 31-140; Ord. No. 69-892, § 1, 5-20-69)

**Sec. 32-155. Feeding animals.**

It shall be unlawful for any person to feed any animal, or place any object within an animal confinement or place of keeping or otherwise induce or permit any animal to ingest any food or object, when a sign in or about the animal confinement area or place of keeping, prohibits feeding. Where there exists no sign or marking pro-

hibiting the feeding of animals, it shall be unlawful for any person to feed such animals anything other than peanuts, popcorn or bread; or foodstuffs sold by the zoo concessionaire which are labeled specifically for the purpose of feeding the animals.

(Code 1968, § 31-143; Ord. No. 69-892, § 1, 5-20-69)

**Sec. 32-156. Park police.**

The park police of the department shall have jurisdiction and authority to patrol upon the zoo grounds and enforce all ordinances pertaining to the zoo.

(Code 1968, § 31-144; Ord. No. 69-892, § 1, 5-20-69)

**Secs. 32-157—32-170. Reserved.**

**ARTICLE VII. MUNICIPAL TENNIS CENTERS\***

**Sec. 32-171. Supervision.**

The city's municipal tennis centers shall be under the direction and supervision of the director, who shall have and exercise jurisdiction and control over the grounds and property of such tennis centers.

(Code 1968, § 31-150; Ord. No. 72-2389, § 2, 12-29-72)

**Sec. 32-172. Maintenance.**

The director shall be charged with the duty of maintaining and keeping in good repair all of the grounds of the city's tennis centers.

(Code 1968, § 31-151; Ord. No. 72-2389, § 2, 12-29-72)

\*Editor's note—Ordinance 94-19, adopted on January 5, 1994, provided for the amendment of Sections 32-173 and 32-174. It also provided for the immediate repeal of Sections 32-177 and 32-178 and for the repeal on December 31, 1994, of Sections 32-173, 32-174 and 32-175. In accordance with Section 9 of Ordinance 94-19, Sections 32-173 through 32-175 and 32-177 and 32-178 are no longer published herein. For further information, contact the City Secretary's Office.

**Secs. 32-173—32-175. Reserved.**

**Editor's note**—Ord. No. 94-19, § 9, adopted Jan. 5, 1994, repealed former §§ 32-173—32-175, which sections pertained to tennis center managers. See the editor's note to art. VII.

**Sec. 32-176. Reserved.**

**Editor's note**—Former § 32-176, which pertained to court fees, was repealed by Ord. No. 86-1771, § 3, enacted Oct. 1, 1986. The repealed provisions derived from § 31-156 of the 1968 Code, as amended by the following: Ord. No. 72-2389, § 2, enacted Dec. 29, 1972; Ord. No. 75-1505, § 3, enacted Aug. 26, 1975; Ord. No. 78-1944, § 1, enacted Sept. 27, 1978; Ord. No. 83-97, § 1, enacted Jan. 25, 1983; Ord. No. 83-1368, § 2, enacted Aug. 30, 1983; and Ord. No. 86-248, § 7, enacted Feb. 19, 1986.

**Secs. 32-177, 32-178. Reserved.**

**Editor's note**—Ord. No. 94-19, § 9, adopted Jan. 5, 1994, repealed former §§ 32-177, 32-178, which sections pertained to reservation and court use, and tournaments. See the editor's note to art. VII.

**Secs. 32-179—32-200. Reserved.****ARTICLE VIII. HOUSTON PARKS BOARD\*****Sec. 32-201. Creation; composition; appointment of members; executive secretary.**

There is hereby created The Houston Parks Board, hereinafter called "the parks board" which shall consist of 20 members, who shall be appointed by the mayor, subject to confirmation by the city council. The director of parks and recreation of the City of Houston shall serve as a non-voting, ex-officio member of the parks board. (Code 1968, § 31-160; Ord. No. 75-1112, § 1, 7-1-75; Ord. No. 83-849, § 1, 5-31-83; Ord. No. 86-1685, § 1, 9-23-86; Ord. No. 04-980, § 1, 9-22-04)

**Sec. 32-202. Positions, term of members.**

The members of the parks board shall be appointed to specific positions. The terms of office are as follows:

- (1) The terms of office for Positions 1, 2, 3, 10, 13, 16, and 19 shall expire on January 1, 2007, and on the same date in each third successive year thereafter.

\***Cross reference**—Boards and commissions authorities, etc., generally, § 2-316 et seq.

- (2) The terms of office for Positions 4, 5, 6, 11, 14, 17, and 20 shall expire on January 1, 2006, and on the same date in each third year successive year thereafter.

- (3) The terms of office for Positions 7, 8, 9, 12, 15, and 18 shall expire on January 1, 2005, and on the same date in each third year successive year thereafter.

- (4) Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed and confirmed. (Code 1968, § 31-161; Ord. No. 75-1112, § 1, 7-1-75; Ord. No. 76-694, § 1, 4-20-76; Ord. No. 83-849, § 2, 5-31-83; Ord. No. 86-1685, § 2, 9-23-86; Ord. No. 04-980, § 2, 9-22-04)

**Sec. 32-203. Assistance by certain city departments.**

The directors of the departments of planning and development, finance and administration, public works and engineering, building services and parks and recreation and their staffs shall provide requested assistance to the parks board. The city attorney and his staff shall provide legal services and representation to the parks board. (Code 1968, § 31-162; Ord. No. 75-1112, § 1, 7-1-75; Ord. No. 83-850, § 1, 5-31-83; Ord. No. 93-514, § 51, 5-5-93; Ord. No. 99-378, § 11, 4-21-99)

**Note**—This section shall take effect July 1, 1999.

**Sec. 32-204. Compensation of members; conflicts of interest.**

Members of the parks board shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the board, or the firm, company or corporation with whom the member is associated shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the member's duties as a member of the board. Members of the board shall abstain from voting upon matters in which they have or may have a conflict of interest and officers and

members of the board shall not participate in any activity of the corporation in which they have or may have a conflict of interest.

(Code 1968, § 31-163; Ord. No. 75-1112, § 1, 7-1-75)

#### **Sec. 32-205. Organization.**

The parks board shall organize by electing from their membership a chairman, a vice-chairman, a president, a vice president, a secretary, and a treasurer, each of whom shall hold office for one year, or until their successor shall have been elected and qualified. In addition, the board may appoint one of its employees to act as an executive director and may appoint one of its employees to act as an assistant secretary. The board may adopt such administrative procedures as are necessary or convenient to accomplish the purposes set out in this article.

(Code 1969, § 31-164; Ord. No. 75-1112, § 1, 7-1-75; Ord. No. 04-980, § 3, 9-22-04)

#### **Sec. 32-206. Purposes.**

The purposes of the parks board shall be to:

- (1) Solicit funds, gifts, and bequests for park acquisitions, additions and improvements in the city.
- (2) Review and make advisory recommendations to the mayor and city council on proposed park acquisitions, additions and improvements to be paid for within city funds.
- (3) Review and make advisory recommendations on parks department matters submitted to it by the director or mayor and city council.
- (4) Manage and invest and to oversee the management and investment of solicited funds, gifts, and bequests donated for park purposes, including, but not limited to, the purchase or sale of real and personal property and of investments in bonds, notes, common stocks and securities of any kind whatsoever.
- (5) Formulate and submit to the mayor and city council proposals for acquisitions, additions and improvements to parks from

funds and assets held by the board or for its benefit in trust accounts, or invested by the board.

- (6) Convey land to the city for park purposes upon conditions acceptable to the city.
- (7) Lease land to the city for a term of years for park purposes upon conditions acceptable to the city.

(Code 1968, § 31-165; Ord. No. 75-1112, § 1, 7-1-75; Ord. No. 76-694, § 2, 4-20-76)

#### **Sec. 32-207. Additional powers.**

(a) The parks board may cooperate with any trust created for a purpose similar to that of the board as set out in paragraph (1) of section 32-206 of this Code. In addition, the board may contract for financial management and investment services and may pay the reasonable fees therefor from solicited funds, gifts, bequests and income therefrom, provided, the board shall exclude therefrom any solicited funds, gifts or bequests when payment of a financial management and investment service fee would be contrary to the provisions of the grant.

(b) The board may exercise its sole discretion in the application for park purposes of funds received from any trust created specifically for the benefit of the parks board when such trust specifically grants such sole authority to the board and from funds donated directly to the parks board, provided, construction of public improvements on city-owned property shall be in compliance with the competitive bid laws of the state and the charter of the city.

(c) When using donated funds described in subsection (b) the parks board may negotiate the purchase of items for city parks, but any such item which might otherwise become a fixture or part of the realty, shall be deemed to remain personalty and subject to removal at the discretion of the city council. The parks board shall have no



authority to take any action which will create a lien on city-owned land. Park land, no matter how modified under this provision, shall remain subject to the discretion of the city council in directing another or different park use, or in authorizing the construction of a permanent park improvement. The following list is illustrative of the types of items that the parks board may purchase, subject to the approval of the city council, without competitive bids therefor:

- (1) Playground equipment.
- (2) Trees.
- (3) Landscaping.
- (4) Water meters and sprinkler systems.
- (5) Shuffleboard courts.
- (6) Playpads.
- (7) Benches.
- (8) Water fountains.
- (9) Picnic benches.
- (10) Hike and bike trails.
- (11) Exer-trail with equipment.
- (12) Fencing.
- (13) Sidewalks.
- (14) Sculpture (after municipal art commission approval).
- (15) Fountains.
- (16) Equipment used in recreational programs.
- (17) Flower clock.
- (18) Flag pole.
- (19) Gazebo.

(d) The board may seek removal of any trustee of a trust established to benefit the parks of the city, by instituting appropriate action in the district court on at least ninety (90) days written notice (unless waived by the trustee) to such trustee. Any removal notice must be actually received by the trustee being removed, must contain the appointment of a successor trustee and the acceptance of the successor trustee endorsed on it. Any successor trustee appointed to act shall be a bank

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with trust powers or a trust company, either state or national, located in the city, with a combined capital and surplus of at least ten million dollars (\$10,000,000.00).

(Code 1968, § 31-166; Ord. No. 75-1112, § 1, 7-1-75; Ord. No. 76-1849, § 1, 10-26-76)

Charter reference—Bids generally, Art. II, § 19.

#### **Sec. 32-208. Financial records.**

The financial books and records of the parks board shall be open to inspection and audit during regular business hours by authorized representatives of the city, or by independent certified public accountants employed by the city. Similarly, the financial books and records of any trust created for the benefit of or to cooperate with the parks board, shall be open to inspection and audit. (Code 1968, § 31-167; Ord. No. 75-1112, § 1, 7-1-75)

#### **Sec. 32-209. Annual financial report.**

The parks board shall make an annual financial report to the city council. (Code 1968, § 31-168; Ord. No. 75-1112, § 1, 7-1-75)

#### **Sec. 32-210. Fidelity bond.**

Each parks board member shall furnish to the city a fidelity bond in the amount of ten thousand dollars (\$10,000.00), provided, the premium therefor shall be paid by the city, and provided further this requirement may be satisfied by amendment to the city's blanket fidelity bond for city employees by amendment thereto so as to authorize inclusion of the board members. (Code 1968, § 31-169; Ord. No. 75-1112, § 1, 7-1-75; Ord. No. 76-694, § 3, 4-20-76)

#### **Sec. 32-211. Meetings.**

Regular parks board meetings shall be held monthly. In addition, special meetings may be held in accordance with such rules as the board may provide. A quorum of the directors of the board shall consist of such number of members, being not less than a majority thereof, as may be specified in the corporate bylaws of the board. (Code 1968, § 31-170; Ord. No. 75-1112, § 1, 7-1-75; Ord. No. 81-2576, § 1, 12-29-81)

**Sec. 32-212. Removal of members.**

Parks board members may be removed by the city council for the following causes:

- (1) Four (4) consecutive absences from regular monthly meetings of the park board.
  - (2) Failure to abstain in votes or activities of the parks board, where direct or indirect conflicts of interest are, or may be involved.
  - (3) Failure to obtain or keep in force a fidelity bond.
  - (4) For conduct, whether or not resulting in a conviction, which impairs the ability of the member to carry out his parks board duties.
- (Code 1968, § 31-171; Ord. No. 75-1112, § 1, 7-1-75)

**Sec. 32-213. Articles of incorporation.**

The city council hereby approves the form and substance of the proposed articles of incorporation of the Houston Parks Board, to be incorporated under the Texas Nonprofit Corporation Act. A copy of said articles of incorporation is on file in the office of the city secretary. In the event of the dissolution of this corporation, the city shall succeed to the funds and assets of the corporation except to the extent that this may conflict with the conditions of a particular donation to the corporation.

(Code 1968, § 31-172; Ord. No. 75-1112, § 1, 7-1-75)

**Secs. 32-214—32-220. Reserved.**

**ARTICLE IX. PARK FOOD VENDORS\***

**Sec. 32-221. Purpose.**

The purpose of this article is to establish procedures and standards by which persons may be licensed to sell food from mobile food units within certain city parks.

(Ord. No. 86-318, § 1, 3-5-86)

\*Cross references—Food and drugs, Ch. 20; concessions in parks, § 32-8.

**Sec. 32-222. Definitions.**

As used in this article, the following terms and phrases shall have the following meanings:

*Application* means that form generally described in section 32-225.

*Central business district* means the area included and bounded by Buffalo Bayou, Chartres Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street and Heiner Street as projected and extended to Sabine Street. Parks abutting and fronting on the sections of streets which form the boundary of the area are included in the area.

*Fall/winter season* means the time period beginning on October 1 of each calendar year and ending on March 31 of the next calendar year.

*Food* is defined in section 20-18(13) of this Code.

*License* means a license granted under authority of this article.

*Mobile food unit* means a food service establishment, mounted on wheels, designed to be readily movable, and propelled solely by human power.

*Packaged* is defined in section 20-18(24) of this Code.

*Park* or *parks* is defined in section 32-1(3) of this Code.

*Roadway* means that portion of a public street which is improved, designed, or ordinarily used for vehicular travel, exclusive of the curb, berm, esplanade, or shoulder. In the event that a public street includes two (2) or more separate roadways, roadway means each such roadway separately.

*Sidewalk* means that portion of the public street which is between the curblines, or the lateral lines of a roadway, and the adjacent property lines and is improved and designed for or is ordinarily used for pedestrian travel.

*Spring/summer vending season* means the time period beginning on April 1 of each calendar year and ending on September 30 of the same calendar year.

*Unit* means a mobile food unit.